

Statement of Rights for Identity Theft Victims



FTC.GOV/IDTHEFT

Several federal laws protect victims of identity theft. These laws relate to:

- documenting the theft
- working with credit reporting companies
- communicating with creditors and debt collectors
- limiting financial losses that may result from identity theft

Documenting the Theft

You have the right to create an identity theft report. An identity theft report will help you take advantage of many of your rights. The report consists of your complaint, an affidavit, and a report to law enforcement. To prepare for filing a report with local law enforcement, complete the FTC's complaint form and affidavit ([ftc.gov/complaint](https://www.ftc.gov/complaint)) and print a copy. Give it to your local law enforcement agency when you file a report there. Your complaint and affidavit provide the details that allow credit reporting companies and the businesses involved to verify that you are a victim and to know which of your accounts or information have been affected so far.

You have the right to:

- Create an identity theft report.
- Place a 90-day initial fraud alert on your credit report.
- Place a seven-year extended fraud alert on your credit report.
- Get free copies of your credit report.
- Have fraudulent information blocked from your credit report.
- Dispute fraudulent or inaccurate information on your credit report.
- Stop creditors and debt collectors from reporting fraudulent accounts.
- Get copies of documents related to the theft of your identity.
- Stop a debt collector from contacting you.

Working with Credit Reporting Companies

You have the right to:

- Place a 90-day initial fraud alert on your credit report. The alert tells anyone who uses your credit report that they must take reasonable steps to verify who is applying for credit in your name. To place this alert, contact one of the three nationwide credit reporting companies. The one you contact must notify the others.
- Place a seven-year extended fraud alert on your credit report. To do this, provide an identity theft report to each credit reporting company and explain how potential creditors can contact you. The credit reporting companies will put your contact information on the extended fraud alert to tell potential creditors they must contact you before issuing credit in your name.
- Get one free copy of your credit report and a summary of your rights from each credit reporting company when you place a 90-day initial fraud alert. If you place an extended fraud alert with a credit reporting company, you have the right to two copies of that company's credit report about you in a 12-month period. These are in addition to the free credit report everyone is entitled to each year from each credit reporting company.
- Have credit reporting companies block fraudulent information from appearing on your credit report. You must send them a copy of a valid identity theft report, proof of your identity, and a letter stating which information is fraudulent. Then the credit reporting companies must tell any creditors who gave them fraudulent information that it resulted from identity theft. Creditors may not turn fraudulent debts over to debt collectors.
- Dispute information on your credit report — if you think it's fraudulent or inaccurate — with a credit reporting company. The credit reporting company must investigate your dispute and amend your report if you are right.
- In many states, you have the right to place a freeze on your credit report. A credit freeze makes it less likely that an identity thief could open a new account in your name.

The 3 nationwide credit reporting companies are:

Equifax

800-685-1111

www.equifax.com

Experian

888-397-3742

www.experian.com

TransUnion

800-916-8800

www.transunion.com

Communicating with Creditors and Debt Collectors

You have the right to:

- Stop creditors and debt collectors from reporting fraudulent accounts. After you give them a copy of a valid identity theft report, they may not report fraudulent accounts to the credit reporting companies.
- Get copies of documents related to the theft of your identity, like transaction records or applications for new accounts. You must include a copy of your police report and an identity theft affidavit with your written request to the company that has the documents. You can tell the company to give the documents to a specific law enforcement agency.
- Stop a debt collector from contacting you. In most cases, debt collectors must stop contacting you after you send them a letter telling them to stop.
- Get written information from a debt collector about a debt, including the name of the creditor and the amount you supposedly owe.

Limits on Financial Losses from Identity Theft

You have limited liability for fraudulent debts caused by identity theft. For example:

- Under most state laws you are not liable for any debt incurred on fraudulent new accounts opened in your name and without your permission.
- Your liability for fraudulent purchases made with your credit card is up to \$50, if you tell the credit card company about the fraudulent charges within 60 days of when the company sends you the statement showing the fraudulent charges. Some credit card companies say cardholders who are victims of fraudulent charges have no liability for those charges at all.
- If your ATM or debit card is lost or stolen, your liability for the misuse of your card is up to \$50, as long as you notify the bank or credit union within two business days after you realize the card is missing. Your liability may increase if you don't report the loss promptly.
- If fraudulent electronic withdrawals are made from your bank or credit union account but your ATM or debit card is not lost or stolen, you are not liable if you write to let the bank or credit union know about the error within 60 days of when they send you the account statement showing the fraudulent withdrawals.
- Most state laws limit your liability for fraudulent checks issued on your bank or credit union account if you notify the bank or credit union promptly.

Other Federal Rights

Under the Justice for All Act, you have additional rights when the identity thief is being prosecuted in federal court. **You have the right to:**

- Reasonable protection from the accused.
- Reasonable, accurate, and timely notice about any public court proceeding; parole proceeding involving the crime; or release or escape of the accused.
- Not be excluded from any public court proceeding unless the judge decides that your testimony would change significantly if you heard other testimony.
- Be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or parole proceeding.
- Confer with the attorney for the government in the case.
- Full and timely restitution as provided in the law.
- Proceedings free from unreasonable delay.
- Be treated with fairness and respect for your dignity and privacy.

Other Rights:

In many states, businesses or organizations that lose or misplace certain types of personal information must tell you if that has happened. Ask your state attorney general's office for more information.

Resources

- To file a complaint and get an affidavit: [ftc.gov/complaint](https://www.ftc.gov/complaint) or call (877) FTC-HELP
- For more information about identity theft: [ftc.gov/idtheft](https://www.ftc.gov/idtheft)
- To learn about rights in your state and credit freeze laws: www.naag.org



Federal Trade Commission

www.ftc.gov/idtheft